IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition Nos.33740, 33914 and 33915 of 1998

Dated: 04-04-2007

W.P.No.33740 of 1998:
Between:

Indurti Ramanuja Rao s/o Prahlada Varada Rao.

... Petitioner

and

1. The Commissioner,
   Survey, Settlements and Land Records,
   Government of Andhra Pradesh,
   Hyderabad and 3 others.

... Respondents

W.P.No.33914 of 1998:
Between:

1. Koneru Appa Rao s/o Ramabrahmam and 5 others.

... Petitioners

and

1. The Commissioner,
   Survey, Settlements and Land Records,
   Government of Andhra Pradesh,
   Hyderabad and 3 others.

... Respondents

W.P.No.33915 of 1998:
Between:
Yelamanchili Rajamma (Died),
rep. by legatee under Will, Pachineelam Balakrishna.

... Petitioner

and

1. The Commissioner,
   Survey, Settlements and Land Records,
   Government of Andhra Pradesh,
   Hyderabad and 3 others.

... Respondents

COMMON ORDER:

Questioning the Common Order dated 07-11-1998 passed in L1/270/92 and L1/271/92 by first respondent, the present writ petitions have been filed seeking to quash the same by confirming the order dated 17-11-1987 passed in Case No.11245/87 by third respondent, in respect of the lands admeasuring (1) H.6.00 A in R.S.No.50/3 and (2) H.0-42 A in R.S.No.77/A5 belonging to petitioner in W.P.No.33740 of 1998; in respect of the lands admeasuring (1) H.2.66.5 A in R.S.No.77/2 (2) H.4.67.5A in R.S.No.77/01, (3) H.5.41A in R.S.No.80, (4) H.0.18.5 in R.S.No.82/A,
(5) H.6.12.5 A in R.S.No.82/C and (6) H.0.04 A in R.S.No.84/A, H.1.09 A in R.S.No.84/A6, H.A.49 A in R.S.No.84/D1 respectively belonging to petitioner Nos.1 to 6 in W.P.No.33914 of 1998; and in respect of the lands admeasuring (1) H.2.17 A in R.S.No.37/1 and (2) H.3.56 A in R.S.No.5 belonging to petitioner in W.P.No.33915 of 1998, situated at Laxmidevipeta village (Free Hold village), Bhadrachalam Mandal, Khammam District.

2. Facts, which are common in all the writ petitions, in brief, are: Laxmidevipeta village in Bhadrachalam Mandal is a “Free Hold” village. The Government of Andhra Pradesh in their Memo No.392/J2/79, dated 10-07-1981 issued orders applying the provisions of Andhra Pradesh Scheduled Areas Ryotwari Settlements Regulation, 1970 (for short, ‘A.P. Regulation 2/70) to the “Free Hold”

villages situated in Scheduled areas.

A person, who was inducted into possession of the lands in a “Free Hold” village by way of permanent lease or by way of sale from the Freehold owner and had been in continuous possession or occupation for a period of eight years prior to 01-07-1971 i.e. the date of commencement of A.P. Regulation 2/70, is entitled for grant of ryotwari patta provided such possession is not void under the provisions of A.P. Regulation 1/59 or any other law. Petitioners in all the writ petitions purchased the lands in question from Malladi Viswanadham and Malladi Venkateswarlu under different agreements of sale in the year 1969 and the vendors agreed to register the sale deeds in favour of petitioners as when demanded.

The above lands absolutely belong to Malladi families and they are entitled to alienate the lands by way of gift, sale lease, exchange, mortgage or otherwise prior to the commencement of A.P.Regulation 1/70. But after A.P. Regulation 1/70 came into force, in the Scheduled Areas, the registration of sale deed between non-tribals was stopped by the Government of Andhra Pradesh, therefore, petitioners could not get the sale deed registered. The petitioners claimed for grant of ryotwari patta in respect of the lands in question before third respondent - Settlement Officer, Bhadrachalam. The third respondent on receipt of the objections from the Mandal Revenue Officer, Bhadrachalam and the Divisional Forest Officer (North) Bhadrachalam and after enquiry granted ryotwari pattas to petitioners by order dated 17-11-1987 in Case No.11245/87. Against the said order, fourth respondent – Mandal Revenue Officer filed appeal before second respondent – Director of Settlements and second respondent after hearing both sides vide order dated 30-12-1991 remanded the matter to third respondent. Aggrieved thereby, petitioners preferred second

appeals before first respondent – Commissioner, but first respondent dismissed the appeals through the impugned common order. Assailing the common order, petitioners have filed the present writ petitions.

3. Heard learned counsel for the parties.

4. I am unable to appreciate the contentions put forth by learned counsel for petitioners having regard to the fact that the appellate authority entertained a doubt about the extents and boundaries and thus remanded the matter to the original authority. In fact, against the orders passed by the Settlement Officer granting ryotwari pattas to petitioners by his order, dated 17-11-1997, when the Mandal Revenue Officer preferred appeals, the appellate authority i.e. the Director of Settlements while remanding the matters observed that the extents mentioned in the agreements of sale and the extents actually in cultivation as per No.2 accounts of the village and the actual extents found on survey within the boundaries do not tally and there is slight discrepancy and hence, the certified copies require close scrutiny. Against the said order, petitioners preferred appeals before the Commissioner of Settlements and the Commissioner dismissed the said appeals.

5. Having regard to these circumstances, this Court is of the view that the said observation of the Director of the Settlements is very crucial and unless and until the very same aspect is decided, it is not possible as to whether petitioners are entitled for grant of ryotwari pattas or not. Hence, the order of remand passed by the Director of Settlements is perfectly justified and no interference is required. Accordingly, I see no merits in these writ petitions and the same are liable to be dismissed.

6. However, having regard to the fact that petitioners continued to be in possession of the lands in question right from 1969 i.e. the date when petitioners entered into agreements of sale with the original vendor, petitioners possession shall not be disturbed during the enquiry by the Settlements Officer and further, the Settlements Officer is hereby directed to complete the entire exercise within a period of eight weeks from the date of receipt of a copy of this order. It is needless to observe that the Settlement Officer shall permit petitioners to produce all the documentary and oral evidence i.e. available and shall also afford an opportunity of personal hearing to the petitioners.

7. Subject to the above directions, all the writ petitions are dismissed. No costs.

JUSTICE GOPALAKRISHNA TAMADA

Dt.04-04-2007
GLV